

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LINDA MARIE MCCLURE,

Plaintiff,

vs.
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 15cv1312-LAB (RBB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Linda McClure challenges the denial of her claim for disability benefits under the Social Security Act. The challenge was referred to Magistrate Judge Brooks for a Report and Recommendation ("R & R"). Judge Brooks issued his R & R, finding that McClure's summary judgment motion should be granted, the Commissioner's summary judgment motion should be denied, and the case should be remanded for further administrative proceedings. No objections were filed.

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendation made by the magistrate judge." 28 U.S.C. § 636(b)(1).

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Under both the Standing Order of the undersigned Judge and the Local Rules of the Court, the failure to file an objection to a motion may be construed as consent to the motion being granted, and the Court extends this to the failure to file an objection to a R & R. Local Rule 7.1(f)(3)(c). The Court has reviewed Judge Brooks' thorough R & R and finds it is correct. It is **ADOPTED**.

6 McClure's motion for summary judgement is therefore **GRANTED**, the
7 Commissioner's motion for summary judgement is **DENIED** and the case is **REMANDED** for
8 further administrative proceedings.

IT IS SO ORDERED.

10 || DATED: September 6, 2016

Larry A. Bunner

HONORABLE LARRY ALAN BURNS
United States District Judge